



GARY LOCKE  
Governor

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July 17, 1997

Mr. Charles C. Clarke, Regional Administrator  
Region 10, U.S. Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 98101

COPY

Dear Mr. Clarke:

Thank you for your May 8 letter further clarifying the role of the U.S. Environmental Protection Agency with regard to ESSHB 1866 (Environmental Excellence Program Agreements). We want to make clear that ESSHB 1866 recognizes the important role the federal government plays in protecting our environment.

Specifically, the law requires that at least 30 days notice be provided for any environmental excellence agreement that "affects legal requirements adopted to comply with provisions of a federal regulatory program." This notice is to be provided to the federal agency responsible for administering the affected program. If, in response to such notice, the federal agency objects to the agreement, then the state cannot proceed with the agreement. Additionally, should an agreement affect any permits which are part of a federal program, then the permits would also be subject to review by the appropriate federal agency.

We understand that the federal government is in no way bound by a state agreement. However, we hope that federal agencies will use the notice and opportunity it provides to voice their concerns during the appropriate comment period. If more time is needed by the respective federal agency to evaluate a proposed agreement, the state would make every effort to meet that need once we have been notified.

We are sensitive to EPA's obligation to retain its ability to enforce any non-compliance with federal requirements, and we expect to provide EPA with adequate notice and opportunity for involvement to ensure that we avoid any agreements which would result in non-compliance with federal requirements. The state looks forward to working with both federal and local agencies to guarantee environmental excellence agreements meet the intent of the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Locke".  
Gary Locke  
Governor

cc: Tom Fitzsimmons, Director of Ecology